

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DUSTIN L. HARTMAN,**  
**No. K91992,**

**Plaintiff,**

**vs.**

**Case No. 14-cv-01321-MJR**

**S.A. GODINEZ,**  
**WARDEN RANDY DAVIS,**  
**ASST. WARDEN LARUE LOVE, and**  
**ASST. WARDEN ROBIN DILLON,**

**Defendants.**

**MEMORANDUM AND ORDER**

**REAGAN, Chief Judge:**

On November 26, 2014, Plaintiff Hartman, an inmate in the custody of the Illinois Department of Corrections, housed at Vienna Correctional Center, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). By Order dated December 29, 2014, the Court concluded that the complaint, as drafted, failed to state a colorable constitutional claim (Doc. 8).

Plaintiff filed two amended complaints, the last of which was dismissed without prejudice on July 28, 2015 (Doc. 19). He was given until August 14, 2015, to file a third amended complaint. Hartman was forewarned that failure to file a proper pleading by the prescribed deadline would result in the dismissal of this action. No amended pleading was filed and it appears that Plaintiff has been released from custody to parole (*see* Doc. 20; *see also* <https://www.illinois.gov/idoc/Offender/Pages/InmateSearch.aspx> (last accessed Sept. 22, 2015)).

Plaintiff has not filed a third complaint and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action.

Petitioner's abandonment of this case renders his requests for counsel moot. The Court further observes that the second amended complaint was dismissed only because it was not signed (*see* Doc. 19)—something that could have been remedied with merely a signature, which did not require the assistance of counsel.

**IT IS THEREFORE ORDERED** that pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice** for failure to comply with a court order and failure to prosecute this action. Furthermore, this action is deemed frivolous for purposes of Section 1915(g); therefore Plaintiff will be allotted a **STRIKE** under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case will be closed.

**IT IS FURTHER ORDERED** that all pending motions (Docs. 3, 4, 10, 14) are **DENIED as moot**.

**IT IS FURTHER ORDERED** that Plaintiff remains obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

**IT IS SO ORDERED.**

**DATED: September 22, 2015**

*s/ Michael J. Reagan*  
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**MICHAEL J. REAGAN**  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**